

2003 DRAFTING REQUEST

Bill

Received: **08/26/2003**

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Barbara Gronemus (608) 266-7015**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **btradewe**

May Contact: **Jim Matson (DATCP)**
Neil Hammerschmidt (WI Livestock)

Addl. Drafters:

Subject: **Agriculture - animals**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gronemus@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Animal premises identification system

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/1	btradewe 09/12/2003	kgilfoy 09/17/2003	chaugen 09/19/2003		sbasford 09/19/2003		State
/2	btradewe	kgilfoy	chaugen		mbarman		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/16/2003	10/16/2003	10/16/2003	_____	10/16/2003		
/3	btradewe 11/17/2003	kgilfoy 11/17/2003	rschluet 11/17/2003	_____	sbasford 11/17/2003		State
/4	btradewe 01/28/2004	kgilfoy 01/28/2004	rschluet 01/29/2004	_____	sbasford 01/29/2004		State
/5	btradewe 01/29/2004	kgilfoy 01/29/2004	rschluet 01/30/2004	_____	sbasford 01/30/2004	lemery 02/04/2004	

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<END>

→ At Intro.

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*Assembly
per
Bill*

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15-1/29
KMG

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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14-1/28
kg

9/28/03

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	11/17/2003	11/17/2003	11/17/2003	_____	11/17/2003		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 08/26/2003

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Wanted: As time permits

Identical to LRB:

For: Alvin Ott (608) 266-5831

By/Representing: Erin Napralla

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Drafter: btradewe

May Contact: Jim Matson (DATCP)
Neil Hammerschmidt (WI Livestock)

Addl. Drafters:

Subject: Agriculture - animals

Extra Copies:

Submit via email: YES

Requester's email: Rep.Ott@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Animal identification system

Instructions:

See Attached

Drafting History:

Table with 8 columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. It lists three draft versions with associated dates and names.

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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Neil Hammerschmidt (WI Livestock)

Addl. Drafters:

Subject: Agriculture - animals

Extra Copies:

Submit via email: YES

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Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Animal identification system

Instructions:

See Attached

Drafting History:

Table with columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. Rows include draft versions 1/1 and 1/2 with names like btradewe, kgilfoy, chaugen, sbasford, and mbarman.

Handwritten notes and signatures: 13-11/17 Kmg, 11173, and a large signature.

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1	btradewe 09/12/2003	kgilfoy 09/17/2003	chaugen 09/19/2003		sbasford 09/19/2003		
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Handwritten notes:
 12-10/16
 King
 ch 10-16
 proof 10-16

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Table with 8 columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. Row 1: /?, btradewe, 1-9/17 King, ch 9-19, ch 9-19, [initials]

FE Sent For:

<END>

Bill Request Form

Legislative Reference Bureau
100 N. Hamilton Street
Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date August 22, 2003

Legislator, agency, or other person requesting this draft Rep. Ott

Person submitting request (name and phone number) Erin Napralla (6-5831)

Persons to contact for questions about this draft (names and phone numbers) Erin (6-5831);

Jim Matson - DATCP (224-5022); Neil Hammerschmidt - WI Livestock ID Consortium (848-5237)
Describe the problem, including any helpful examples. How do you want to solve the problem?

First step in establishing a system of animal identification. This bill will allow DATCP to create a "premise ID" - each premise will be required to register with the Department.

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

*Please See Attached language drafted by Jim Matson

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes:

Anyone who asks?
Any legislator?

YES NO
 YES NO

Only the following persons _____

Do you consider this request urgent? YES NO

If yes, please indicate why Need for public hearing by Oct. 14th

Should we give this request priority over any pending request of this legislator, agency, or person?

*Anything except YES NO
WI Rural Finance Authority

Livestock Premises Identification

DATCP Draft Legislation

- 1 AN ACT to renumber 95.55(3), 95.68(4) and 97.22(2)(b); and to create 20.115(2)(gm),
- 2 95.36(10), 95.51, 95.55(3)(b), 95.68(4)(b) and 97.22(2)(b)1. of the statutes; relating to:
- 3 livestock premises registration, identification and fees.

*Analysis Prepared by the Department of
Agriculture, Trade and Consumer Protection*

The department of agriculture, trade and consumer protection (DATCP) currently administers animal health and food safety programs, including programs to control serious diseases of livestock. DATCP currently licenses dairy farmers, animal market operators and keepers of farm-raised deer.

This bill requires persons who keep livestock in this state to register annually with DATCP. Registrants must pay fees to support a livestock premises identification program. This bill applies to persons who keep bovine animals (cattle and bison), sheep, goats, swine or farm-raised deer (captive deer and elk) and other animals that DATCP identifies by rule. It also applies to persons keeping more than 50 poultry animals or more than 5 horses.

** Amy type or # - can do exemptions via rule.*
** "Premises will be defined by rule."*

This bill requires DATCP to establish a livestock premises identification program, and establish registration fees by rule to cover the reasonable cost of the program. DATCP must assign a unique premises identification number to each registered livestock location. DATCP must create an electronic database of livestock premises, including premises identification numbers and related information.

Dairy farmers licensed under s. 97.22, Stats., animal market operators licensed under s. 95.68, Stats., and keepers of farm-raised deer registered under s. 95.55, Stats., are exempt from annual registration under this bill (because they are already licensed annually). But they must be included in the livestock premises identification program, and must pay supplementary annual license fees to help support the program. The supplementary annual fees are equivalent to the annual registration fees under this bill.

** Currently licensed - no additional paperwork, but would have to pay extra fee.*

Registration information filed with DATCP under this bill is protected from disclosure under the state open records law, except as otherwise provided by DATCP rule. This bill does not affect the disclosure, under the state open records law, of information that a livestock owner is required to file with DATCP under current law.

Persons, other than dairy farmers, who fail to comply with this bill are subject to penalties currently provided under s. 95.99, Stats. These include a criminal fine of up to \$1,000 or a jail sentence of up to 6 months, or both. In lieu of a criminal penalty, a court may order a violator to pay a civil forfeiture of up to \$5,000 per violation. DATCP may also seek a court injunction to restrain continued violations.

Dairy farmers who fail to comply with this bill are subject to penalties currently provided under s. 97.72 and 97.73, Stats. These include a criminal fine of up to \$1,000 or a jail sentence of up to 6 months, or both, for a first offense. For a subsequent offense, there is a criminal fine of up to \$5,000 or a jail sentence of up to one year, or both. In lieu of a criminal penalty, a court may order a violator to pay a civil forfeiture of up to \$1,000 per violation. DATCP may also seek a court injunction to restrain continued violations.

DATCP may deny, suspend or revoke the license or registration of a dairy farmer, animal market operator or farm-raised deer keeper who fails to comply with this bill. This bill also prohibits DATCP from paying indemnities for animals that DATCP condemns for disease control purposes under ch. 95, Stats., if the animal owner has failed to comply with this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.115(2)(gm) of the statutes is created to read:

2 20.115(2)(gm) *Livestock identification program*. All moneys received under s.
3 95.51(2)(f), 95.55(3)(b), 95.68(4)(b) and 97.22(2)(b)1., for the administration of the
4 livestock premises identification program under s. 95.51(4).

5 **SECTION 2.** 95.36(10) of the statutes is created to read:

6 95.36(10) The animal owner has failed to comply with s. 95.51, or has failed to
7 obtain a license or pay fees required under s. 95.55, 95.68 or 97.22.

8 **SECTION 3.** 95.51 of the statutes is created to read:

9 **95.51 Livestock premises; registration and identification. (1) DEFINITION.** In
10 this section, "livestock" means bovine animals, equine animals, goats, poultry, sheep,

1 swine, farm-raised deer, and any other animals that the department identifies by rule for
2 purposes of this section.

3 (2) ANNUAL REGISTRATION. (a) Except as provided in sub. (3), no person may
4 do any of the following at any location in this state unless that person annually registers
5 that location with the department:

6 1. Keep any bovine animals, goats, sheep, swine or farm-raised deer.

7 2. Keep more than 50 poultry animals.

8 3. Keep more than 5 equine animals.

9 4. Keep other livestock that the department identifies by rule.

10 (b) A registration under par. (a) expires on December 31 of each year. A
11 registration is not transferable between locations or registrants.

12 (c) A person shall register under par. (a) on a form provided by the department.

13 A registration shall include all of the following:

14 1. The registrant's correct legal name, and any trade names under which the
15 registrant keeps livestock in this state.

16 2. The registrant's business address:

17 3. The address of each location at which the registrant keeps livestock in this
18 state.

19 4. The type of livestock kept at each location under subd. 3., and the nature of the
20 livestock operation.

21 5. Other relevant information required by the department.

1 (d) A registration fee that the department establishes by rule, based on the
2 department's reasonable cost to implement the premises identification program under
3 sub. (4).

4 (3) EXEMPTIONS. The annual registration requirement under sub. (2) does not
5 apply to any of the following:

6 (a) A farm-raised deer herd registered under s. 95.55.

7 (b) An animal market licensed under s. 95.68.

8 (c) A dairy farm licensed under s. 97.22.

9 (d) A person that the department exempts by rule.

10 (4) PREMISES IDENTIFICATION PROGRAM. The department shall do all of the
11 following:

12 (a) Assign a unique premises identification number to each location registered
13 under sub. (2)(b), or licensed under s. 95.55, 95.68 or 97.22. A premises identification
14 number under this paragraph is not transferable between locations, but is transferable
15 between registrants or license holders. The department shall establish a uniform
16 numbering system that is reasonably designed to facilitate animal health and disease
17 control, interstate consistency and interstate commerce. The department shall use
18 federally-assigned premises identification numbers if available.

19 (b) Establish and maintain an electronic database related to livestock premises in
20 this state. The database shall include the premises identification number assigned to each
21 location under par. (a), and the registration or license information associated with that
22 premises identification number under this section or s. 95.55, 95.68 or 97.22. The

1 database may include global positioning system coordinates and other information that
2 the department considers appropriate.

3 (5) CONFIDENTIALITY. Information that an owner or custodian of livestock is
4 required to file with the department under sub. (2) is not subject to public inspection
5 under s. 19.35, except as otherwise provided by department rule under this section. This
6 subsection does not apply to information that an owner or custodian of livestock is
7 required to file with the department under other applicable law.

8 (6) RULES. The department may adopt rules to implement this section.

9 SECTION 4. 95.55(3) of the statutes is renumbered (3)(a).

10 SECTION 5. 95.55(3)(b) of the statutes is created to read:

11 95.55(3)(b) In addition to the fee required under par. (a), a registrant under this
12 section shall pay a livestock premises identification fee that is equal to the fee established
13 under s. 95.51(2)(f). The department shall deposit fees collected under this paragraph to
14 the appropriation account under s. 20.115(2)(gm).

15 SECTION 6. 95.68(4) of the statutes is renumbered (4)(a).

16 SECTION 7. 95.68(4)(b) of the statutes is created to read:

17 95.68(4)(b) In addition to the fee required under par. (a), an applicant for a
18 license under this section shall pay a livestock premises identification fee that is equal to
19 the fee established under s. 95.51(2)(f). The department shall deposit fees collected
20 under this paragraph to the appropriation account under s. 20.115(2)(gm).

21 SECTION 8. 97.22(2)(b) of the statutes is renumbered (2)(b)1.

22 SECTION 9. 97.22(2)(b)2. of the statutes is created to read:

1 97.22(2)(b)2. In addition to the fee required under subd. 1., an applicant for a
2 license under this section shall pay a livestock premises identification fee that is equal to
3 the fee established under s. 95.51(2)(f). The department shall deposit fees collected
4 under this subdivision to the appropriation account under s. 20.115(2)(gm).

(END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-3171/1

RC1.....

~~Sen. Cat~~ (in 9/12)

King

2003 BILL

Due Friday,
9/17

Note

Sen. Cat.

1 AN ACT...; relating to: registration and identification of livestock premises,
2 granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Agriculture, Trade and Consumer Protection (DATCP) conducts various activities to protect animal health and food safety. DATCP licenses dairy farmers and operators of livestock markets and registers persons who keep deer (including elk).

This bill requires certain persons who keep livestock in this state to register annually with DATCP and to pay a fee. For the purposes of this bill, "livestock" means cattle and bison, horses, goats, poultry, sheep, swine, deer, and any other kind of animal that DATCP identifies by rule. To be covered by this bill, a person keeping poultry must have more than 50 animals and a person keeping horses must have more than ~~50~~ ^{five} animals.

* The bill does not require dairy farmers and livestock market ^{law} operators that are licensed and deer keepers who are registered under current ~~law~~ to obtain the new registration, but they are required to pay the new fee.

* The bill requires DATCP to assign a premises identification number to each location where livestock are kept and to maintain a data base containing the identification numbers and related information. Information provided to DATCP under this bill is not public information, except as provided by DATCP by rule and except for information that is required to be provided to ~~DATCP~~ ^{DATCP} under other laws.

Under current law, DATCP makes payments to owners of animals that DATCP orders killed to control animal disease. Current law specifies several situations in

BILL

which owners are not eligible for these payments. Under this bill, the owner of an animal that DATCP orders to be killed to control animal disease is not eligible for a payment from DATCP if the person did not register or pay a fee as required by the bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.115 (1) (gb) of the statutes is amended to read:

2 20.115 (1) (gb) *Food regulation.* The amounts in the schedule for the regulation
3 of food under chs. 93, 97 and 98. All moneys received under ss. 93.06 (1r) and (1w),
4 93.09, 93.11, 93.12, 97.17, 97.175, 97.20, 97.21, 97.22 (2) (b) and (4), 97.24, 97.27,
5 97.29, 97.30 (3) (a), (b) and (c), 97.41, 98.145 and 98.146 for the regulation of food
6 shall be credited to this appropriation.

History: 1971 c. 125, 215; 1973 c. 90, 299, 333; 1975 c. 39 ss. 78m, 79, 79m, 79n, 732 (1); 1975 c. 224; 1975 c. 394 ss. 1, 27; 1977 c. 29 ss. 112 to 115v, 1650m (1), (4), 1654 (1); 1977 c. 87, 106, 181, 418; 1979 c. 34, 129, 221, 289, 335; 1981 c. 20, 66, 93, 283, 346, 357; 1983 a. 27, 132, 368; 1983 a. 410 ss. 5, 2202 (2); 1985 a. 7, 8, 29, 138, 153, 313; 1987 a. 27, 281, 354; 1987 a. 399 ss. 34 to 38, 38u; 1987 a. 403 s. 256; 1989 a. 31, 219, 227, 282, 284, 335, 336; 1991 a. 39, 269, 309, 315; 1993 a. 16, 166, 243, 437, 456, 497; 1995 a. 27, 42, 79, 460; 1997 a. 27, 192, 252, 264; 1999 a. 5, 9, 55, 185; 2001 a. 16, 38, 56, 103, 109; 2003 a. 33, 38.

7 **SECTION 2.** 20.115 (2) (gm) of the statutes is created to read:

8 20.115 (2) (gm) *Livestock premises registration and identification.* All moneys
9 received under ss. 95.51 (2) (d), 95.55 (3) (b), 95.68 (4) (b), and 97.22 (2) (bm) for the
10 administration of livestock premises registration and identification under s. 95.51.

11 **SECTION 3.** 20.115 (2) (ha) of the statutes is amended to read:

12 20.115 (2) (ha) *Inspection, testing and enforcement.* All moneys received under
13 ss. 93.06 (1f) and (1g), 95.55 (3) (a), 95.57, 95.60 (5), 95.68 (4) (a) and (5), 95.69, 95.71
14 and 95.715, to be used for animal health inspection and testing and for enforcement
15 of animal health laws.

History: 1971 c. 125, 215; 1973 c. 90, 299, 333; 1975 c. 39 ss. 78m, 79, 79m, 79n, 732 (1); 1975 c. 224; 1975 c. 394 ss. 1, 27; 1977 c. 29 ss. 112 to 115v, 1650m (1), (4), 1654 (1); 1977 c. 87, 106, 181, 418; 1979 c. 34, 129, 221, 289, 335; 1981 c. 20, 66, 93, 283, 346, 357; 1983 a. 27, 132, 368; 1983 a. 410 ss. 5, 2202 (2); 1985 a. 7, 8, 29, 138, 153, 313; 1987 a. 27, 281, 354; 1987 a. 399 ss. 34 to 38, 38u; 1987 a. 403 s. 256; 1989 a. 31, 219, 227, 282, 284, 335, 336; 1991 a. 39, 269, 309, 315; 1993 a. 16, 166, 243, 437, 456, 497; 1995 a. 27, 42, 79, 460; 1997 a. 27, 192, 252, 264; 1999 a. 5, 9, 55, 185; 2001 a. 16, 38, 56, 103, 109; 2003 a. 33, 38.

16 **SECTION 4.** 95.36 (10) of the statutes is created to read:

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1 95.36 (10) If the owner of the animal has failed to comply with s. 95.51 (2) or
2 has failed to register or obtain a license under s. 95.55, 95.68, or 97.22 or to pay fees
3 required under s. 95.55, 95.68, or 97.22.

4 **SECTION 5.** 95.51 of the statutes is created to read:

5 **95.51 Livestock premises; registration and identification. (1)**

6 DEFINITION. In this section, “livestock” means bovine animals, equine animals, goats,
7 poultry, sheep, swine, farm-raised deer, and any other kind of animal that the
8 department identifies by rule for the purposes of this section.

9 (2) ANNUAL REGISTRATION. (a) Except as provided in sub. (3), no person may do
10 any of the following at a location in this state unless that person annually registers
11 that location with the department:

12 1. Keep any bovine animals, goats, sheep, swine, or farm-raised deer.

13 2. Keep more than 50 animals that are poultry.

14 3. Keep more than 5 equine animals.

15 4. Keep any other kind of livestock that the department identifies by rule.

16 (b) A registration under par. (a) expires on December 31 ~~of each year~~. A
17 registration is not transferable between locations or registrants.

18 (c) A person shall register under par. (a) on a form provided by the department
19 and shall provide all of the following information:

20 1. The registrant’s legal name and any trade names under which the registrant
21 keeps livestock in this state.

22 2. The registrant’s business address.

23 3. The address of each location at which the registrant keeps livestock in this
24 state.

BILL

SECTION 5

1 4. The type of livestock kept at each location under subd. 3. and the nature of
2 the livestock operation.

3 5. Any other relevant information required by the department.

4 (d) A person registering under par. (a) shall pay the fee that the department
5 specifies by rule.

6 (3) EXEMPTIONS. The annual registration requirement under sub. (2) does not
7 apply to any of the following:

8 (a) A person registered under s. 95.55 to keep farm-raised deer.

9 (b) A person licensed under s. 95.68 to operate a livestock market.

10 (c) A milk producer licensed under s. 97.22.

11 (d) Any other person that the department exempts by rule.

12 (4) PREMISES IDENTIFICATION ~~PROGRAM~~ (a) The department shall assign a
13 unique identification number to each location registered under sub. (2) (a) or s. 95.55
14 or licensed under s. 95.68 or 97.22. A premises identification number is not
15 transferable between locations, but is transferable between registrants or license
16 holders. The department shall use a uniform numbering system that is reasonably
17 designed to facilitate animal health and disease control, interstate consistency, and
18 interstate commerce. The department shall use federally assigned identification
19 numbers when they are available.

20 (b) The department shall establish and maintain an electronic data base
21 related to livestock premises in this state. The department shall include in the
22 ~~database~~ ^{data base} the premises identification number assigned to each location under par. (a)
23 and the registration ^{or} license information under this section or s. 95.55, 95.68, or
24 97.22 that is associated with that premises identification number. The department

BILL

1

may include in the database global positioning system coordinates and other information that the department considers appropriate.

3

(5) CONFIDENTIALITY. Information that a person is required to provide to the department under sub. (2) is not subject to public inspection under s. 19.35, except as provided by the department by rule. This limitation on public inspection does not apply to information that a person is required to provide to the department under other laws.

and s. 95.55 and required to be licensed under ss. 95.68 and 97.22

8

(6) RULES. (a) The department shall promulgate rules specifying fees to be paid by persons required to register under sub. (2) (a). The department shall design the fees to cover the department's reasonable costs to administer this section.

9

who are

11

(b) The department may promulgate rules for the administration of this section, in addition to the rules under par. (a).

13

SECTION 6. 95.55 (2) of the statutes is amended to read:

14

95.55 (2) APPLICATION. A person shall register under this section using a form provided by the department. The form shall be accompanied by the fee fees specified under sub. (3).

History: 1995 a. 79; 2001 a. 56.

17

SECTION 7. 95.55 (3) (title) of the statutes is repealed and recreated to read:

18

95.55 (3) (title) FEES.

19

SECTION 8. 95.55 (3) of the statutes is renumbered 95.55 (3) (a).

20

SECTION 9. 95.55 (3) (b) of the statutes is created to read:

21

95.55 (3) (b) In addition to the fee under par. (a), a person required to register

22

under this section shall pay ^{the} a livestock premises identification fee ~~that is equal to the~~

23

~~fee~~ specified under s. 95.51 (6) (a).

24

~~SECTION 10. 95.68 (4) of the statutes is renumbered 95.68 (4) (a).~~

→ INS. 5-24 ←

BILL**SECTION 11**

1 **SECTION 11.** 95.68 (4) (b) of the statutes is created to read:

2 95.68 (4) (b) In addition to the fee under par. (a), an applicant for a license under
3 this section shall pay ^{the} a livestock premises identification fee ~~that is equal to the fee~~
4 specified under s. 95.51 (6) (a).

5 **SECTION 12.** 95.68 (8) of the statutes is amended to read:

6 95.68 (8) **RULES.** The department may promulgate rules to specify license fees
7 under sub. (4) (a) or to regulate the operation of animal markets, including rules
8 related to market operator qualifications, market construction and maintenance,
9 construction and maintenance of animal transport vehicles, identification of animal
10 transport vehicles, disease sanitation, humane treatment of animals, identification
11 of animals, record keeping, reports to the department and compliance with
12 applicable financial security requirements under state or federal law.

History: 1993 a. 16; 1995 a. 79, 95; 2001 a. 56.

13 **SECTION 13.** 97.22 (2) (bm) of the statutes is created to read:

14 97.22 (2) (bm) *Livestock premises identification fee.* In addition to the fee under
15 par. (b), ^{the} a livestock premises identification fee ~~equal to the fee~~ specified under s. 95.51
16 (6) (a) applies to a dairy farm required to be licensed under par. (a).

17 **SECTION 14.** 97.22 (2) (c) of the statutes is amended to read:

18 97.22 (2) (c) *Dairy plant to pay ~~license fee~~ fees for milk producer.* The operator
19 of a dairy plant licensed under s. 97.20 shall pay the milk producer license fee and
20 the livestock premises identification fee under this subsection for every dairy farm
21 from which the dairy plant receives milk at the time the fee payment is due. An
22 applicant for a dairy plant license shall submit ~~that fee~~ those fees with the applicant's
23 dairy plant license application under s. 97.20. A dairy plant operator who pays a ~~milk~~
24 ~~producer license fee~~ under this paragraph may charge that fee back to the milk

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1 producer if the dairy plant operator notifies the milk producer in writing of the dairy
2 plant operator's intent to charge the fee to the milk producer. A dairy plant operator
3 may not discriminate between milk producers with respect to fee charges under this
4 paragraph, but may charge back license fees to all milk producers who cease shipping
5 milk to the dairy plant during the license year. A dairy plant operator who pays a
6 ~~milk producer license fee~~ under this paragraph may not deduct the amount of the fee
7 from any payment to the milk producer for milk that the dairy plant operator
8 purchases from the milk producer.

9 **History:** 1975 c. 39; 1987 a. 27, 399; 1989 a. 31; 1991 a. 39; 1993 a. 114; 2001 a. 16.

SECTION 15. Effective date.

10 (1) This act takes effect on the first day of the 13th month beginning after
11 publication.

12

(END)

ONE

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3171/1dn

RCT:.....
dmj

This is the livestock premises identification draft.

Section 97.22 (2) (c), stats., requires dairy plants to pay license fees for milk producers. I was uncertain about how to deal with payment of livestock premises identification fees for dairy farms. Please review the treatment of s. 97.22 (2) (c), stats., in this draft carefully and let me know if it should be changed.

Is the data base intended to be confidential? If not, this should be clarified. *12*

I included a delayed effective date in this draft to provide time for rulemaking and getting the system ready. Please let me know if you would prefer a different effective date.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3171/linsKA
RCT:kmg:kmg

INSERT 5-24 ✓

SECTION 1. 95.68 (4) of the statutes is renumbered 95.68 (4) (a), and 95.68 (4) (a) 3., as renumbered, is amended to read:

95.68 (4) (a) 3. For an animal market other than one described in ~~par. (a) or (b)~~ subd. 1. or 2., \$100.

History: 1993 a. 16; 1995 a. 79, 95; 2001 a. 56.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3171/1dn
RCT:kmg:ch

September 18, 2003

This is the livestock premises identification draft.

Section 97.22 (2) (c), stats., requires dairy plants to pay license fees for milk producers. I was uncertain about how to deal with payment of livestock premises identification fees for dairy farms. Please review the treatment of s. 97.22 (2) (c), stats., in this draft carefully and let me know if it should be changed.

Is the data base intended to be confidential? If not, this should be clarified.

I included a delayed effective date in this draft to provide time for rule making and getting the system ready. Please let me know if you would prefer a different effective date.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

Tradewell, Becky

From: Napralla, Erin
Sent: Thursday, October 16, 2003 9:23 AM
To: Tradewell, Becky
Subject: RE: Premises ID Draft Change Request

Becky,
Here's what I heard back from the consortium...

If you think we need to change just the last sentence, the best way to say it may be: ***The department shall use premises identification numbers that are federally allocated to premises within this state.***

If it's best to combine the last two sentences: ***The department shall use premises identification numbers that are federally assigned to this state's premises in order to facilitate animal health and disease control, interstate consistency, and interstate commerce.***

I just talked to Neil Hammerschmidt. He's happy to speak with you if you have any questions. You can reach him today at 848-5237 or on his cell at 608-347-2350.

Let me know if you think this can work.

Erin

-----Original Message-----

From: Tradewell, Becky
Sent: Wednesday, October 15, 2003 5:29 PM
To: Napralla, Erin
Subject: FW: Premises ID Draft Change Request

Erin,

It has been a long day and it shows. Among other typos in my last message to you, I left a word out of my proposed sentence. I meant:
The department shall use identification numbers that are federally assigned to this state.

Becky

-----Original Message-----

From: Tradewell, Becky
Sent: Wednesday, October 15, 2003 4:49 PM
To: Napralla, Erin
Subject: RE: Premises ID Draft Change Request

Erin,

I am thinking about changing the last sentence to say: The department shall identification numbers that are federally assigned to this state.

Please let me know if this does not sound good to you.

Becky

-----Original Message-----

From: Napralla, Erin
Sent: Wednesday, October 15, 2003 3:43 PM
To: Tradewell, Becky
Subject: RE: Premises ID Draft Change Request

10/16/2003

Becky,

I'm trying to get in touch with Neil Hammerschmidt of the Wisconsin Livestock Identification Consortium, as he should be able to answer your questions.

I think my statement about federal numbers being currently available was misleading. As I understand it, the federal government has just recently developed a national premise identification allocator that will assign states sequential numbers for registered premises. The reasoning behind the national system is to avoid duplication of numbers in the states. This system is essentially a database of numbers, which the department will have the ability to assign. As producers register their premises, they would be assigned a number from the federal system.

Would the problem be addressed if the last two sentences of that paragraph were combined to say... "The department shall use a system of federal identification numbers to facilitate animal health and disease control, interstate consistency, and interstate commerce."

If you think this can work, great. Otherwise, I will have Neil touch base with you in the next day or so to address your questions.

Thank you very much!

Erin

-----Original Message-----

From: Tradewell, Becky

Sent: Wednesday, October 15, 2003 2:03 PM

To: Napralla, Erin

Subject: RE: Premises ID Draft Change Request

Erin,

Do all of the locations that the draft requires DATCP to assign numbers have federally assigned numbers? If not, the draft should probably acknowledge that by saying something like: "If a location has a federally assigned identification number, the department shall use that number." or "The department shall use federally assigned identification number for locations that have federally assigned identification numbers."

Becky
6-7290

-----Original Message-----

From: Napralla, Erin

Sent: Wednesday, October 15, 2003 1:10 PM

To: Tradewell, Becky

Subject: Premises ID Draft Change Request

Becky,

We have one minor change to the premise ID draft (LRB 3171).

Page 4, item 4, line 19: Delete "*when they are available*".

It should read: *The department shall use federally assigned identification numbers.*

The federal numbers are currently available.

Everything else looks great. Thank you!!

*Erin Napralla
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